

REMARKS/ARGUMENTS

This preliminary amendment is submitted with a request for continued examination. Claims 1, 6-12, 17-23, 26, 27, 30-33, and 76-82 are pending. In the Office Action, the Examiner rejects Claims 1, 6-10, 27, 30-33, and 76-81 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,920,487 to Sofer et al. ("Sofer") in view of U.S. Pat. No. 5,365,520 to Wang et al. ("Wang") and further in view of U.S. Pat. No. 6,304,757 to Larsson ("Larsson") and further in view of U.S. Pat. No. 6,970,548 to Pines et al. ("Pines"). Claims 12, 17-21, 23, 26, and 30-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, further in view of U.S. Pat. App. No. 2002/0131404 to Mehta et al. ("Mehta") and further in view of Larsson and further in view of Pines. Claims 11 and 82 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang further in view of Larsson further in view of Pines and further in view of U.S. Pat. No. 6,751,454 to Thornton ("Thornton"). Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang further in view of Mehta further in view of Larsson further in view of Pines and further in view of Thornton.

Applicants have amended independent Claims 1, 12, 23, 27, and 76 to further patentably distinguish the cited references. Claims 1 and 23 have also been amended so as to more closely parallel Claim 76. In light of the amendments and subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance

The Rejection of Independent Claims 1 and 27, and 76 Under §103(a) is overcome

The Examiner finds that independent Claims 1 and 27, and 76 are obvious in light of Sofer in view of Wang and further in view of Larsson and further in view of Pines. Independent Claims 1 is directed to a method and has been amended to recite determining, from a received call of a service dialed number from a mobile device, a subscriber identifier. The method further includes terminating the call upon receipt of the service dialed number, and prior to the call being answered. Upon the call being terminated, the method additionally includes selecting a response to the call based upon the service dialed number, the service dialed number containing at least a first segment

and a second segment, the first segment representing a unique code used by the mobile operator to route the call and the second segment representing a unique code that identifies the service. The method further recites determining, based upon the subscriber identifier, a set of capabilities of the mobile device. The method also recites querying a service identity database based at least in part upon the service dialed number to determine one or more communication services supported by the service. The method further recites selecting, based upon the set of capabilities and the determined one or more communication services, a two-way dialog format, through which the mobile device and the service are capable of communicating. The method additionally recites initiating a dialog based upon the selected two-way dialog format between a server identified by the first segment upon the selecting and the mobile device, after the call has been terminated, based on the selected response and the determined subscriber identifier. Claims 27 and 76 include substantially similar recitations and are directed to a machine-readable medium and an apparatus, respectively.

Sofer describes a method and system for routing a phone call based upon a “short code” to a service provider (Sofer, Column 3, lines 11-22). For example, when a user enters a code, such as “8472” for VISA, the short code is matched with VISA’s phone number in a database (Sofer, Column 6, lines 6-34). The user’s phone call is then routed to VISA using VISA’s phone number. When a user is roaming, a short code may collide with an identical short code that points to a different number (Sofer, Column 6, lines 36-42). In this case, either a default routing choice is used to route the call, or a user may interactively choose which route the call will take (Sofer, Column 6, lines 36-42). In either case, a user’s connection is maintained so that an active call can eventually be routed by the system of Sofer to its destination.

Wang describes routing device communication through a constellation of satellites utilizing specific message packets (Wang, Column 5, lines 35-59). The communications system described by Wang is packet based, where each packet includes pieces of information such as location of message receiver, location of message sender, characterization of the content, and content (Wang, Figures 6-9; Column 12, lines 12-35). The packets described by Wang merely illustrate the form of packet based data

transmission.

Larsson describes updating a database with a current location of a subscriber device by placing a call to a phone system (Larsson, Column 8, lines 45-60). However, to avoid incurring a charge for providing an information update, the call is noted by a telephone exchange without answering the call (Larsson, Column 8, lines 53-57).

Pines teaches a communication assistance system for storing and accessing information corresponding to a plurality of wireless apparatus subscribers. In this regard, the system includes a database populated with information on the subscribers. The database taught by Pines may include a "Device Capability field" identifying capabilities of a wireless apparatus device. The capabilities may include SMS. Pines is directed toward the collecting and accessing of the information stored in the database, and in this regard, teaches limiting access to the information based upon the identity of a requesting party. *See, e.g.* Summary of the Invention and Col. 14, lines 25-28 of Pines.

Applicants respectfully submit that the Office Action overstates the breadth of the disclosure in Pines, as the Examiner posits that Pine teaches "before initiating a dialog with a wireless apparatus, the system is configured to check the Device Capability field of Listing Table 52A in a system database which identifies the capabilities of Wireless Apparatus 6 device." However, as described above, Pines at most teaches storing and accessing subscriber information, not initiating a communication based upon stored profile information. Accordingly, the Applicants submit that the cited references, taken alone or in combination, do not teach or suggest independent Claims 1, 27, and 76.

However, in the interests of expediting prosecution of the application, the Applicants have amended Claims 1, 27, and 76 to further patentably distinguish the cited references. In this regard, Applicants have amended Claims 1, 27, and 76 to recite querying a service identity database based at least in part upon the service dialed number to determine one or more communication services supported by the service. Applicants have further amended Claims 1, 27, and 76 to recite that selecting a two-way dialog format is based upon both the set of capabilities of the mobile device and the determined one or more communication services such that a two-way dialog format through which the mobile device and the service are capable of communicating is selected. In this

regard, capabilities of both the mobile device and the service are determined and a two-way dialog format through which both the mobile device and the service are capable of communicating is selected. Support for this amendment may be found at least at paragraphs 45 and 46 of the present application. None of the cited references, taken alone or in combination, teaches or suggests these added recitations.

Applicants therefore submit that none of the cited references, taken alone or in combination, teaches or suggests the recitations of independent Claims 1, 27, and 76. Therefore, the claims are patentably distinct from the cited references and the rejection is overcome.

The Rejection of Independent Claims 12 and 23 Under §103(a) is overcome

The Examiner finds that independent Claims 12 and 23 are obvious in light of Sofer in view of Wang, further in view of Mehta, further in view of Larsson and further in view Pines. Claims 12 and 23 are directed to a system and machine-readable medium, respectively. As amended, Claims 12 and 23 include recitations substantially similar to those of Claims 1, 27, and 76 as discussed above. As discussed above, none of Sofer, Wang, Larsson, and Pines, taken alone or in combination, teach or suggest the added recitations. Further, Mehta also does not teach or suggested the added recitations and as such, does not cure the deficiencies of the above discussed references. Accordingly, Applicants respectfully submit that independent Claims 12 and 23 are patentably distinct from the cited references, taken alone or in combination, for at least the reasons discussed above and the rejection is overcome.

The Rejection of the Dependent Claims is Overcome

Because the dependent claims include each of the recitations of a respective independent claim, Applicants further submit that the dependent claims are distinguishable from the cited references, taken alone or in combination, for at least those reasons discussed above.

CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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